

MINUTES OF THE WATER / TOWN BOARD MEETING OF AUGUST 12, 2015

PRESENT:	Supervisor	Edward Fairbrother
	Council	Bob Adams
		Andy Gillette
		Lee Giammichele
		Mike Saglibene
	Attorney	Thomas Reilly
	Clerk	Linda Cross

Supervisor Fairbrother opened the Water Board meeting at 4:30 p.m., and requested those present to participate in the Pledge of Allegiance.

NEW BUSINESS

RESOLUTION NO.176-15

AUTHORIZING THE ISSUANCE OF \$1,000,000 SERIAL BONDS OF THE TOWN OF BIG FLATS, CHEMUNG COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICTS NO. 4 AND NO. 5 IN THE TOWN OF BIG FLATS, CHEMUNG COUNTY, NEW YORK APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated July 22, 2015, said Town Board has determined it to be in the public interest to increase and improve the facilities of Water Districts No. 4 and No. 5 in the Town of Big Flats, Chemung County, New York, at a maximum estimated cost of \$1,000,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Big Flats, Chemung County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of Water Districts No. 4 and No. 5 in the Town of Big Flats, Chemung County, New York, consisting of (i) the purchase of water meters with radio read heads and software (\$550,000), the cost of which will be allocated between Water Districts No. 4 and No. 5,

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and (ii) the installation of a water booster pump station and generator to allow for an interconnection with the City of Elmira (\$450,000), the cost of which will be allocated entirely to Water District No. 5, including costs incidental thereto, there are hereby authorized to be issued \$1,000,000 serial bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific objects or purposes is \$1,000,000 and that the plan for the financing thereof is by the issuance of the \$1,000,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution, allocated as set forth in Section 1.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid water meters is twenty years and the pump station and generator is forty years, pursuant to subdivisions 30 and 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Big Flats, Chemung County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due

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and payable in such year. To the extent not paid from other sources, there shall be annually assessed upon all the taxable real property within said Water Districts No. 4 and No. 5 in the amounts and in the manner provided by law an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Big Flats, Chemung County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor.

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Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution which takes effect immediately shall be published in summary in the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81 of the Local Finance Law.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

Since there was no further business for the Water Board, Supervisor Fairbrother closed the Water Board meeting at 4:32 p.m.

Supervisor Fairbrother opened the Town Board Meeting at 4:33 p.m.

CONCERNS OF THE PEOPLE – NONE

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REPORTS

Supervisor Fairbrother stated the following reports for July 2015 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Monthly Report, Youth Department Monthly Report, Assessor's Monthly Report, Community Center's Monthly Report, Court's Monthly Report, Dog Controls' Monthly Report for June and July, Code and Planning Department Monthly Report.

NEW BUSINESS

RESOLUTION NO. 177-15

ABSTRACT OF AUDITED VOUCHERS FOR AUGUST 12, 2015 APPROVED

Resolution by: Giammichele

Seconded by: Adams

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for August 12, 2015, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 23,671.37
HIGHWAY FUND	\$ 5,958.58
WATER DISTRICT #3	\$ 16.43
WATER DISTRICT #4	\$ 5,685.29
TRUST & AGENCY	\$ 1,665.00

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother

NAYES: None

RESOLUTION NO. 178-15

GENERAL FUND BUDGET TRANSFERS & AMENDMENT APPROVED

Resolution by: Adams

Seconded by: Saglibene

WHEREAS a memorandum was received from the Bookkeeper, dated July 28, 2015 requesting authorization for budget transfer to accommodate an over-budget for partial cost of playground equipment, and

WHEREAS the bookkeeper also requested a budget amendment to the 2015 General Fund Budget due to collection of parking proceeds from local concerts- a new source of revenue to assist with purchase of playground equipment for Community Park, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such further action is necessary regarding the same, now

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RESOLUTION NO. 178-15, GENERAL FUND BUDGET TRANSFERS & AMENDMENT
APPROVED continued

BE IT THEREFORE RESOLVED the Town Board authorizes the following Transfers, and Amendment:

Transfers

Please authorize a budget transfer to accommodate an over-budget for partial cost of playground equipment:

To	Parks –CO- A.7110.0200	9,200	
	From Contingency—CE-1990.0400		9,200

Amendment

Please authorize a budget amendment to the 2015 General Fund budget due to collection of parking proceeds from local concerts -a new source of revenue to assist with purchase of playground equipment for Community Park.

Increase Estimated Revenues--A.0510	6,023
Increase Parking Proceeds—A2001.0001	6,023
 Increase Appropriations-A.0960	 6,023
Increase Parks -CO-A.7110.0200	6,023

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

RESOLUTION NO. 179-15
PART-TIME DEPUTY COURT CLERK TO THE TOWN OF BIG FLATS TOWN JUSTICE
APPOINTED

Resolution by: Saglibene
Seconded by: Giammichele

WHEREAS the Town Justices have conducted interviews and necessary background checks and recommends to the Town Board appointing, Kayla Rodgers for the position of Part-time Deputy Court Clerk, and

WHEREAS for environmental review purpose, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (4) and as such no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the appointment of Kayla Rodgers, as Part-time Court Clerk effective August 3, 2015 at the rate of \$12.00 per hour, with a twenty six week probationary period starting August 3, 2015 and not to exceed 20 hours a week.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

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RESOLUTION NO. 180-15
AGREEMENT WITH ATTORNEY JOHN J. RYAN JR. FOR HANDLING TAX
CERTIORARI CASES APPROVED

Resolution by: Adams
Seconded by: Gillette

WHEREAS the Town of Big Flats is responsible for the assessment roll for the Town of Big Flats, and

WHEREAS the Town of Big Flats has the responsivity to handle tax certiorari cases dealing with the Towns assessments, and

WHEREAS the Towns Attorney is not familiar with tax certiorari cases, and

WHEREAS the Town's Assessor has requested that the Town hire John J. Ryan Jr., who has represented the town for tax certioraris, and

WHEREAS the Town Attorney or the Town Supervisor will be advised by the Town Assessor as to each tax certiorari before Attorney John J. Ryan Jr. can proceed, and

WHEREAS for environmental review purposes, interpreting an existing code, and adoption of regulations, policies, or procedures and local legislative decisions are Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

THEREFORE BE IT RESOLVED the Town's Supervisor or the Town Attorney are authorized to hire John J. Ryan Jr. for handling tax certiorari for the Town of Big Flats at a rate of \$150 (One hundred fifty dollars) per hour plus any disbursements.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

RESOLUTION NO. 181-15
AGREEMENT WITH JAY'S CARPET ONE FOR CARPETING FOR COMMUNITY
CENTER APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Director and the Town Supervisor have determine that the carpeting at the community center needs to be replaced, and

WHEREAS the Director of the Community Center has requested three bids for the first phase of replacing the carpeting with a commercial brand of carpet tiles, and

WHEREAS the Director has received three bids of which only two with the correct carpeting, and

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RESOLUTION NO. 181-15, AGREEMENT WITH JAY'S CARPET ONE FOR CARPETING FOR COMMUNITY CENTER APPROVED covered

WHEREAS Jay's Carpet One has a bid of \$9,273 and Cutler Carpet with a bid of \$10,913, and

WHEREAS for environmental purposes the administration of the Town personnel is a Type II action in accordance with SEQRA 6, NYCCR Part 617.5(c) (25) and as such no further action is required regarding the same, and

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Jay's Carpet One for carpeting at the Community Center not to exceed \$9,273.

CARRIED: AYES: Gillette, Giammichele, Saglibene, Fairbrother
NAYES: Adams

RESOLUTION NO. 182-15
LISTED ITEMS TO BE SOLD AS SURPLUS DECLARATION APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS, it has been determined that the items attached list should be declared as surplus, and

WHEREAS for environmental purposes, the sale of surplus government equipment is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the attached listed items to be sold as surplus.

2015 Surplus

1. 2001 Freightliner Sweeper Truck Model FC-70 VIN # 1FVAB3BV91HH73827
2. 2001 Dodge 2500 Pick-Up Truck VIN# 3B7KF26Z31M556889
3. 2005 John Deer Mower Model 1600T VIN# TC1600T040156
4. 2010 Hypac Roller Model C-747B Serial # 101170511617
5. 1984 Gallion Grader Model A556 Serial # 10825
6. John Deer Brush Hog Model LX6 Serial # W00LX6X001696
7. Alamo Mower Head Model CF60 Serial # 01202
8. Flink Tailgate Spreader Model VCT-20-DD Serial # XXX648
9. Gas Boy Pump Model 1820
10. ~~Weed Wacker - DON'T LIST IN ACTION~~
11. Home Lite LRE 4400 Generator
12. ~~Bennett Model 3912R Fuel Pumps - DON'T LIST IN ACTION~~
13. Eureka Tent 30 x 60

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RESOLUTION NO. 182-15, LISTED ITEMS TO BE SOLD AS SURPLUS DECLARATION
APPROVED continued

- 14. Toolboxes
- 15. Savin Color C2525 Copier/ Scanner w/ Stand
- 16. Message Board w/ Cabinet/Key
- 17. Light Board
- 18. Kiosk

Water

- 19. 1999 GMC 3500 1-ton Dump VIN # 1GDKC34J7XF026795
- 20. 2003 Chevrolet Silverado 2500 HD Pick-up VIN # 1GBHK24U63E238646
- 21. 2006 Chevrolet Silverado Pick-up VIN#1GBHK24U36E265050
- 22. Turbidity Meters
- 23. Racal 2000 Self-Contained Breathing Apparatus
- 24. MSA Air Mask Model 401
- 25. Scales (Wallace & Tiernan x2) (FM Morse x1)

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

RESOLUTION NO. 183-15
PART-TIME DEPARTMENT OF PUBLIC WORKS CLERK APPOINTED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Town Supervisor recognizes the need to create a Clerk position in the Public Works Department, and

WHEREAS the DPW Clerk would be cross-trained to cover other departments for payroll backup and during shortages, and

WHEREAS the Town Supervisor is authorized to hire additional personnel, and

WHEREAS upon completing her Elmira Business Institute Externship with the Town, Shondrea Cobb was hired part-time contingent on qualifying on a future civil service clerk exam, and

WHEREAS Shondrea Cobb was in the top 3 qualifying candidates, and was appointed per civil service law on 6/10/2015 at a rate of pay of \$12.00 per hour with a minimum probationary period of at least 8 weeks, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

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RESOLUTION NO. 183-15, PART-TIME DEPARTMENT OF PUBLIC WORKS CLERK
APPOINTED continued

BE IT THEREFORE RESOLVED the Town Board authorizes that Shondrea Cobb be appointed as the Part-Time DPW Clerk at a rate of \$12.00 per hour effective 6/10/2015 for a probationary period of at least 8 weeks.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

RESOLUTION NO. 184-15
PURCHASE OF PLAYGROUND MULCH FOR COMMUNITY PARK EXTENTION
APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS the Commissioner and Deputy Commissioner of Public Works see the need to purchase playground mulch for the new playground being installed at Community Park Extension, and

WHEREAS there is a need for two quotes for purchases up to \$9,999.99 as shown in resolution 59-15, and

WHEREAS quotes were received from

New York Rubber Mulch and Tiles	\$ 8,280.00	(\$400.00/ton + Freight)
Game Time	\$10,800.00	(\$550.00/ton + Freight)

based on 18 tons, and

WHEREAS the quote obtained from New York Rubber Mulch and Tiles is less than GameTime quote, therefore the purchase will be made through New York Rubber Mulch and Tiles, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5 (c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED that the Town Board authorizes the Commissioner and Deputy Commissioner of Public Works to purchase the needed mulch from New York Rubber Mulch and Tiles, for the sum not to exceed \$9,999.99.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

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RESOLUTION NO. 185-15
COMMUNICATION LOG FOR AUGUST 12, 2015 APPROVED

Resolution by: Gillette
Seconded by: Giammichele

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

August 4, 2015

Town of Big Flats, Edward Fairbrother - RE: Elmira/Corning Regional Airport Projects: Referred to: *Town Board, Code and Planning Dept., Department of Public Works, Assessor, and filed with Town Clerk.*

August 4, 2015

STTAC (Southern Tier Tobacco Awareness Coalition - RE: The 2015 Community Tobacco Survey Results Are In! Referred to: *Town Board, and filed with Town Clerk.*

August 5, 2015

Time Warner Cable – RE: August 5, 2015 Programming Notice Changes Referred to: *Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYES: None

Supervisor Fairbrother also reported on:

- River signage, Big Flats and Golden Glow Fire departments to complete.
- GFOA meeting 8/6-8/7 summary
- Concerts at Tags – 2 in September
- Novus – Training
- Community Park Ext. need volunteers to help with the new playground August 21st digging holes, and the 22nd help needed with construction. August 26th will be the soft opening for new playground, and September 18, 2015 official opening.
- Hammond Street waiting on an appraisal
- LED new lighting in meeting room, projector mounted in the center ceiling panel to view to the screens located in the front and side of the meeting room, in the Town Hall.
- Paving
- Assessing – working with Horseheads
- I86 Project meeting Thursday, August 13, 2015, working on development for Chemung County and hoping to be bringing in Steuben County.
- Water leaks – Wheaton Road, and one on Main Street. Both fixed at this time.
- Water metering replacement – Information will be on the Website,
- Carpeting for the Community Center offices, back entrance, and rooms A&B will be completed next year.

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- Grader – 22 years old, breaking down a lot, putting up for auction, will have a resolution for the next meeting.
- Steve from Chemung County IT, have a complete set up with them and how the procedures will be handled. Waiting for Empire to hook up the last part.
- Budget time is coming soon. The Board copies will be in a Windows format on their Surface Pro's.
- Circus is coming to the Town of Big Flats, has the correct Insurance and Hawkers and Peddlers Permit paper work, and Code Department informed of the site plan. (There will not be a tent for the circus, it is all open)

Councilperson Adams had a concern regarding one of the ball fields at Community Park.

Councilperson Gillette made a motion, seconded by Councilperson Adams to adjourn the Town Board meeting at 5:53 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk